

REMARKS

Reconsideration of the application is requested.

Claims 1-7 remain in the application. Claims 1-7 are subject to examination.

In items 1 and 2 on page 2 of the above-identified Office Action, claims 1-7 have been rejected as being indefinite under 35 U.S.C. § 112, first paragraph.

More specifically, the Examiner states that claims 1 and 7 specify a computing unit, an allocation logic and a frame timing alignment device. The Examiner further states that the description of these devices is inadequate for instructing one skilled in the art in how to make and use the invention as claimed without undue experimentation.

The Examiner is believed to be stating that the computing unit, the allocation logic, and the frame timing alignment device are only represented by boxes and are not adequately defined in the invention. Applicant points out that these devices are well-known in the art and that applicant is not claiming any physical modification of such hardware. Applicant is claiming a method of using such devices and therefore it is believed that it is not necessary to describe in

detail such devices. Perhaps an analogy may help. If one is programming a microprocessor for manipulating data, one does not need to describe the microprocessor in detail, however one must describe the programming steps for accomplishing the data manipulation.

The test of enablement is whether one skilled in the art could make or used the claimed invention from the disclosures in the patent coupled with information known in the art without undue experimentation. A patent need not teach, and preferably omits, what is well known in the art (see MPEP 2164.01). In order to make a rejection, the Examiner has the initial burden to establish a reasonable basis to question the enablement provided for the claimed invention. In the instant application, the Examiner is citing well-known devices. Applicant is not claiming the devices themselves but rather how to further manipulate such devices to have a desired outcome. In the first amendment mailed on April 13, 2004, applicant provided a step-by-step analysis of how the steps are implemented. The Examiner's response was that the invention required undue experimentation without pointing out where the undue experimentation is required. It is respectfully stated that a proper rejection would have related to the steps in the process and not the physical hardware as the hardware is well-known in the art.

Please find enclosed herewith a signed copy of a Declaration under 37 CFR § 1.132 from Dr. Xiaofeng Wu who has read the specification of the instant application and declares that one of ordinary skill in the art could implement the invention without undue experimentation. According to MPEP 2164.05 this is an adequate means for overcoming such a rejection.

However, applicants believe that it is important that the Examiner fully understand the invention at hand and now provide further details about the hardware. A detector 1 and decoder 2 for detecting and decoding the frame synchronization codes transmitted by base stations are known in the prior art and are often realized by a correlator.

The function of the allocation logic 3 is simply to allocate a code-specific parameter $K(c_n)$ to each detected synchronization code c_n , $n = 1, 2, \dots, N$. Such allocation can be performed by simple computation unit (e.g. ASIC, processor).

The function of the computing unit 4 is to calculate $F(FBSX)$ for instance according to the equation outlined on page 16, line 12. Such calculation can be performed by any basic

computing unit and there is obviously no need for physical modification of such unit to perform the calculation presented in the equation on page 16, line 12.

Finally, a frame timing alignment device 5 is present in any receiver because frame timing alignment must necessarily be performed in any receiver.

In this connection, we also refer to the prior art as discussed on page 3, line 18, to page 4, line 2, of the specification of the instant application. The first-named of these two documents, International Patent Disclosure WO 99/12273 A, discloses a synchronization device for this purpose, with an equalizer and a decoder by which the frame synchronization codes transmitted by the specific base stations are detected and decoded in the mobile radio receiver, a computing unit to carry out calculations on the frame synchronization codes and a frame timing alignment device for synchronizing the mobile radio receiver using the sequence of frame synchronization codes with the frame structure of the radio signal received from a base station. Please note that the physical devices are represented by boxes and that the references concentrate on how the device are used rather than the physical devices themselves. These references were provided in the IDS submitted with the

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instant application.

It is accordingly believed that the specification meets the requirements of 35 U.S.C. § 112, first paragraph.

In view of the foregoing, reconsideration and allowance of claims 1-7 are solicited.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

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